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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION**

JOHN FITISEMANU; PALE TULI;
ROSAVITA TULI; and SOUTHERN
UTAH PACIFIC ISLANDER
COALITION;

Plaintiffs,

v.

UNITED STATES OF AMERICA;
U.S. DEPARTMENT OF STATE;
JOHN J. SULLIVAN, in his official
capacity as Acting Secretary of the U.S.
Department of State; and
CARL C. RISCH, in his official
capacity as Assistant Secretary of State
for Consular Affairs;

Defendants.

Case No. 1:18-cv-00036-CW

**SAMOAN FEDERATION OF
AMERICA, INC.'S UNOPPOSED
MOTION FOR LEAVE TO FILE
AMICUS BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Honorable Judge Clark Waddoups

The Samoan Federation of America, Inc. (“Samoan Federation”), through undersigned counsel, moves this Court for leave to file the attached Brief of Amicus Curiae in support of Plaintiffs’ Motion for Summary Judgment. The parties have consented to permit this motion to be filed no later than April 20, 2018.

“District courts have long been permitted to allow *amicus* appearances at their discretion.” *Vigil v. Am. Tel. & Tel. Co.*, Civil No. C-1476, 1969 U.S. Dist. LEXIS 9584, at *1-2 (D. Colo. Sept. 9, 1969) (unpublished). “Because an *amicus curiae* participates only for the benefit of the court, and is not a party to the litigation, the court has the sole discretion to determine the fact, extent, and manner of participation by the amicus.” *Kane County, Utah. v. United States*, 934 F. Supp. 2d 1344, 1347 (D. Utah 2013) (internal quotation marks omitted). “District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective than can help the court beyond the help that lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (internal quotations omitted).

The judges of this Court have frequently exercised their discretion to allow *amicus* participation to provide additional perspective, particularly in cases raising broader public policy concerns or constitutional issues. *See, e.g., Utah v. United States*, No. 2:05-CV0-540, 2012 U.S. Dist. LEXIS 63545 *1 (D. Utah May 4, 2012) (unpublished); *United States v. Moesser*, No. 2:09-CR-842 TS, 2010 U.S. Dist. LEXIS 123271, at *18-20 (D. Utah Nov. 19, 2010) (unpublished); *United States v. Angelos*, 345 F. Supp. 2d 1227, 1256 (D. Utah 2004); *Kennard v. Leavitt*, 246 F. Supp. 2d 1177, 1182 (D. Utah 2002).

The Samoan Federation is a 501(c)(3) non-profit organization located in Carson, California that serves to advance the cultural, economic, and social well-being of the Samoan community in the greater Los Angeles area and across the United States. Founded in 1969, it is one of the oldest Samoan organizations in the continental United States. For the last 33 years, the Samoan Federation has hosted an annual “Flag Day” celebration that serves as the largest annual gathering of Samoans in the continental United States, attracting approximately 30,000 attendees each year from across the country, including many attendees from Utah. The Flag Day event commemorates American Samoa’s decision to become part of the United States in 1900 and celebrates the many contributions American Samoans make to their communities across the nation.

The Samoan Federation was a plaintiff in *Tuaua v. United States*, 788 F.3d 300 (D.C. Cir. 2015), where it argued that people born in American Samoa have an individual constitutional right to citizenship that does not require legislative approval by Congress or any other elected officials. The Samoan Federation believes that recognition of citizenship is critical to the political and economic empowerment of American Samoan communities throughout the United States, including in Utah. Discriminatory federal laws that require American Samoans to naturalize to be recognized as U.S. citizens create significant barriers to the political participation of American Samoans living in Utah and other states, in effect serving as a poll tax, literacy test, voter identification requirement, and felon disenfranchisement provision all rolled into one. Federal, state, and local laws that restrict certain employment opportunities to U.S. citizens also make it harder for many American Samoans to provide for themselves and their families, and diminish their standing in their communities.

The Samoan Federation's proposed amicus brief, attached as Exhibit A, reviews the historical expectations of and demands by American Samoan leaders for U.S. citizenship since they voluntarily granted sovereignty over American Samoa to the United States government in 1900. The proposed amicus brief also explicates the tangible harm to the political rights of American Samoan U.S.

nationals caused by their status as non-citizens. Submission of this amicus brief will thereby contribute to the Court's adjudication of the case.

Accordingly, the Samoan Federation respectfully requests that the Court grant their motion for leave to file the *amicus curiae* brief submitted herewith.

Dated: April 19, 2018

Respectfully submitted.

/s/ Barry G. Stratford

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CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2018, the foregoing was served by filing a copy using the Court's ECF filing system, which will send notice of the filing to all counsel of record.

/s/ Barry G. Stratford

Barry G. Stratford